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SUBJECT: ARREST WARRANTS FOR STRIKE LEADERS, TRAVEL LIMITS
ON APRIL 2002 FIGURES

Classified By: Mark Wells, Acting Political Counselor,
for Reasons 1.4(b).

Summary

11. (C) Venezuelan judges issued arrest warrants on December 23 for eight former state oil company executives accused of civil rebellion and other crimes for their role in the December 2002 - February 2003 national strike. Included among those sought are Juan Fernandez, leader of the civil society group "Gente de Petroleo" and Horacio Medina, head of UNAPETROL, the union formed by the 18,000 oil workers who ultimately lost their jobs as a result of the strike. Separately, prosecutors obtained measures against 30 persons involved in the alleged coup of April 2002 to prevent their departure from Venezuela. In addition, prosecutors obtained orders prohibiting Coordinadora electoral fraud investigator Tulio Alvarez and former opposition governor of Anzoategui State David De Lima from leaving the country. End summary.

Former PDVSA Chiefs Accused of Civil Rebellion

12. (U) Venezuelan prosecutors obtained arrest warrants on December 23 for eight former executives of state oil company Petroleos de Venezuela, (PDVSA) for their role in the national strike of December 2002 - February 2003. The accused strike leaders are: Juan Fernandez, Horacio Medina, Mireya Ripanti, Gonzalo Feijoo, Edgar Quijano, Juan Luis Santana, Edgar Paredes, and Juan Lino Carrillo. The charges include civil rebellion, incitement to commit a crime, improper interruption of supply of gasoline, and computer-related espionage. Civil rebellion is the most serious charge, carrying a 20-year prison term. Fernandez is the head of "Gente de Petroleo," the NGO formed by oil workers who were ultimately fired as a result of the strike. He was also a member of the Coordinadora Democratica's campaign committee for the August 15 recall referendum campaign. Medina is the president of UNAPETROL, the labor union (unrecognized by the GOV) formed by the fired workers. Though the strike leaders had been charged in February 2003 after the strike ended, an appeals court ruled that prosecutors had not followed proper procedures and ordered prosecutors to start from scratch. Prosecutors opened a new case in July 2004 against Juan Fernandez, just as he was managing the opposition's communications strategy for the referendum. Cases against Medina and Ripanti were opened thereafter, though prosecutors did not formally open new cases against the remaining five.

13. (C) Poloff met with Quijano on December 22 before his arrest warrant was announced. Quijano said the prosecutors had asked for the arrests because they had not finished the investigation within the six months stipulated by Venezuelan law, resorting to detention as a means of holding the cases open. Medina issued a statement on December 25 accusing the judge of violating legal procedures by issuing an arrest warrant without the prerequisites spelled out in the law. Medina further accused prosecutors of violating procedure by seeking arrest warrants against the five suspects who did not have open investigations.

14. (C) The timing is also suspicious, Quijano asserted, as the courts are closed for all but emergency cases until January 10, making impossible any legal maneuvers to stay the arrest orders. Quijano said his lawyer had not been given access to the file as required by law. Quijano noted that the Ministry of Labor's inspectorate simultaneously convened hearings for Medina's and his complaints for wrongful dismissal from PDVSA, filed nearly two years ago. Quijano said they would have just 72 hours (which expired on Christmas Eve) to appear at the Ministry of Labor to present their evidence or lose the case. Quijano noted that Fernandez, Medina, and he held Spanish passports and believe they would not be extradited should they flee to Spain. Post has learned that Fernandez, in fact, has been in Spain on personal business for two months. Quijano said he had no

intention of turning himself over to authorities because he believes he has no chance for a fair trial.

Chavez: Justice Restored

15. (U) During his state visit to China on December 23, President Hugo Chavez called the arrest warrants "the resurrection of justice in Venezuela." He recalled that during the strike Venezuela was "on the border of economic and political collapse" and that the strikers "sabotaged refineries and even killed people." He said Venezuelans lived in anguish because they could not get gasoline during the strike. Chavez said the country is looking forward, but added that justice cannot forget the past.

Travel Restrictions Placed on Carmona Signers

16. (C) Prosecutors investigating the events of April 2002 obtained court orders on December 18 preventing the 30 people under investigation for complicity in that case from leaving Venezuela. Prosecutors, who are picking up the case from murdered prosecutor Danilo Anderson, told the judge the 30 people were flight risks. Among those prohibited from leaving the country are Fedecamaras President Albis Munoz and Sumate leader Maria Corina Machado. Some 400 people are under suspicion for their presence in Miraflores Palace on April 12, when then Fedecamaras President Pedro Carmona swore himself in as interim President of Venezuela during Chavez's temporary absence. The travel restrictions were applied to the 30 persons for whom formal investigations had already begun.

Tulio Alvarez_ and Former Governor De Lima Also Grounded

17. (C) Separately, prosecutors obtained a travel restriction on Tulio Alvarez_, a lawyer known for bringing lawsuits against Chavez and his key supporters for alleged corruption. Among these are a suit against pro-Chavez Fifth Republic Movement (MVR) deputy William Lara for alleged irregularities in the finances of the National Assembly (AN) employees' fund when Lara was AN president. Alvarez_ also spearheaded the Coordinadora Democratica's investigation of alleged fraud surrounding the presidential recall referendum. According to an Alvarez_ e-mail circulated to opposition members, when the new judges for the Supreme Court (TSJ) were sworn in on December 13, Alvarez_ accused the judges of being hand-picked supporters of Chavez and filed a motion to overturn the new TSJ law that led to their appointment. The next day, a court

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restricted Alvarez_'s international travel based on defamation charges brought by Lara in relation to the pension case. Opposition members have suggested to poloffs that the GOV is trying to keep Alvarez_ from traveling overseas to present the opposition's electoral fraud allegations, as he had been doing in recent months.

18. (U) On December 18, a judge in Anzoategui State issued a travel prohibition against former opposition governor David De Lima for damaging the governor's mansion and embezzling furniture. The wife of MVR Governor Tarek William Saab accused De Lima of negligence in upkeep of the house and of illegally removing some furniture. Saab reportedly had to spend US\$180,000 to renovate the house. De Lima, who did not live in the mansion during his administration, denied the charges and vowed to remain in Venezuela to defend himself.

Comment

19. (C) Political persecution via the courts is growing. The GOV recognizes that attacking symbolic opposition figures has a terror effect on countless other Chavez opponents. While Chavez has unleashed a new wave of political persecution, he is usually adept at gauging how much repression he can apply without public backlash. For both sides, the issue is impunity. Chavistas see the wave of legal actions as necessary for punishing past sins of the opposition and preventing future plotting against the GOV. Chavez opponents view it as Chavista-controlled courts undermining the rule of law without fear of punishment. In light of the new composition of the Supreme Court, now that the court-packing

law has been fully implemented, we expect that the GOV will be able to take these cases as far as they choose to go.

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